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 UNITED STATES OF AMERICA

FILED IN THE
 UNITED STATES DISTRICT COURT
 DISTRICT OF HAWAII

OCT 10 2001

at 10 o'clock and 06 minutes
 WALTER A. Y. H. CHINN CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 01-00160 SOM
)	
Plaintiff,)	FIRST SUPERSEDING INDICTMENT
)	
vs.)	[21 U.S.C. §§ 846, 843(b),
)	and 841(a)(1)]
FALANIKO UTI,	(01))
a.k.a. "Niko,")
ALFREDO SEPULVEDA,	(02))
FERNANDO GUTIERREZ,	(03))
JOSEPH PAJARDO,	(04))
OSOVALE ATAPUAI,	(05))
a.k.a. "JoJo,")
VANESSA BARUT,	(07))
)	
Defendants.)	
)	

FIRST SUPERSEDING INDICTMENT

COUNT 1

The Grand Jury charges:

From a date unknown, but from at least July 1, 2000, to
 on or about April 23, 2001, in the District of Hawaii and

elsewhere, the defendants FALANIKO UTI, a.k.a. "Niko," ALFREDO SEPULVEDA, FERNANDO GUTIERREZ, JOSEPH PAJARDO, OSOVALE ATAPUAI, a.k.a. "JoJo," VANESSA BARUT and Joe Sappa, not a defendant herein; did conspire together with each other and with other persons unknown to the Grand Jury, to knowingly and intentionally distribute and possess with intent to distribute a quantity of methamphetamine, its salts, isomers and salts of its isomers, in excess of 50 grams, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

OVERT ACTS

In furtherance of the conspiracy and to effect the objectives thereof, the co-conspirators performed the following acts, among others, in the District of Hawaii and elsewhere:

1. During July 2000, defendant FALANIKO UTI, a.k.a. "Niko" discussed the distribution of a quantity of crystal methamphetamine—"ice," with defendant OSOVALE ATAPUAI, a.k.a. "JoJo."

2. On or about September 26, 2000, defendant OSOVALE ATAPUAI, a.k.a. "JoJo" spoke on the telephone with another individual concerning the distribution of a quantity of crystal methamphetamine.

3. On or about September 28, 2000, defendant OSOVALE ATAPUAI, a.k.a. "JoJo" spoke on the telephone with another individual concerning the distribution of a quantity of crystal methamphetamine.

4. On or about October 18, 2000, defendant OSOVALE ATAPUAI, a.k.a. "JoJo" spoke on the telephone with another individual concerning the distribution of a quantity of crystal methamphetamine.

5. On or about October 18, 2000, defendant FALANIKO UTI, a.k.a. "Niko" spoke on the telephone with defendant OSOVALE ATAPUAI, a.k.a. "JoJo."

6. On or about October 25, 2000, defendant FALANIKO UTI, a.k.a. "Niko" spoke on the telephone with defendant OSOVALE ATAPUAI, a.k.a. "JoJo."

7. On or about October 25, 2000, defendant OSOVALE ATAPUAI, a.k.a. "JoJo" distributed approximately one ounce of crystal methamphetamine to another individual for \$2,400 in U.S. currency.

8. On or about November 14, 2000, defendant FALANIKO UTI, a.k.a. "Niko" spoke on the telephone with defendant OSOVALE ATAPUAI, a.k.a. "JoJo."

9. On or about November 14, 2000, defendant OSOVALE ATAPUAI, a.k.a. "JoJo" distributed a quantity of crystal methamphetamine—"ice" in excess of 50 grams.

10. On or about January 24, 2001, defendant FALANIKO UTI, a.k.a. "Niko" met with defendant OSOVALE ATAPUAI, a.k.a. "JoJo."

11. On or about February 1, 2001, defendant FALANIKO UTI, a.k.a. "Niko" met with defendant JOSEPH PAJARDO.

12. On or about February 5, 2001, defendant FALANIKO UTI, aka "Niko" spoke on the telephone with defendant OSOVALE ATAPUAI, a.k.a. "JoJo."

13. On or about February 5, 2001, defendant OSOVALE ATAPUAI, a.k.a. "JoJo" spoke on the telephone with another individual concerning the distribution of a quantity of crystal methamphetamine.

14. On or about February 5, 2001, defendant FALANIKO UTI, a.k.a. "Niko" met with defendant ALFREDO SEPULVEDA in Honolulu, Hawaii.

15. On or about February 13, 2001, defendant FALANIKO UTI, a.k.a. "Niko" spoke on the telephone with defendant OSOVALE ATAPUAI a.k.a. "JoJo."

16. On or about February 13, 2001, OSOVALE ATAPUAI, a.k.a. "JoJo" spoke on the telephone with another individual concerning the distribution of a quantity of crystal methamphetamine.

17. On or about March 1, 2001, defendant OSOVALE ATAPUAI, a.k.a. "JoJo" spoke on the telephone with another individual concerning the distribution of a quantity of crystal methamphetamine.

18. On or about March 1, 2001, defendant OSOVALE ATAPUAI, a.k.a. "JoJo" distributed approximately one ounce of crystal methamphetamine to another individual for \$2,200 in U.S. currency.

19. On or about April 17, 2001, defendant FALANIKO UTI, a.k.a. "Niko" spoke on the telephone with another individual concerning the distribution of a quantity of crystal methamphetamine.

20. On or abut April 17, 2001, defendant FALANIKO UTI, a.k.a. "Niko" spoke on the telephone with defendant JOSEPH PAJARDO.

21. On or about April 19, 2001, defendant FALANIKO UTI, a.k.a. "Niko" spoke on the telephone with defendant JOSEPH PAJARDO.

22. On or about April 19, 2001, defendants ALFREDO SEPULVEDA and FERNANDO GUTIERREZ traveled from Los Angeles, California to Honolulu, Hawaii.

23. On or about April 20, 2001, defendant FALANIKO UTI, a.k.a. "Niko" spoke on the telephone with another individual concerning the distribution of a quantity of crystal methamphetamine.

24. On or about April 20, 2001, defendant FALANIKO UTI, a.k.a. "Niko" traveled to the Rockza nightclub in the Waikiki section of Honolulu, Hawaii.

25. On or about April 20, 2001, defendants JOSEPH PAJARDO and VANESSA BARUT traveled to the Rockza nightclub in the Waikiki section of Honolulu, Hawaii.

26. On or about April 22, 2001, defendants ALFREDO SEPULVEDA and FERNANDO GUTIERREZ hid approximately \$50,000 in U.S. currency on their persons and in their luggage.

27. On or about April 23, 2001, defendant JOSEPH PAJARDO stored approximately four pounds of crystal methamphetamine in his automobile.

28. On or about April 23, 2001, JOE SAPPA stored approximately one pound of crystal methamphetamine in his residence.

29. On or about April 23, 2001, defendant VANESSA BARUT stored approximately four pounds of crystal methamphetamine in the residence she shared with JOSEPH PAJARDO.

All in violation of Title 21, United States Code, Section 846.

COUNT 2

The Grand Jury further charges:

On or about October 25, 2000, in the District of Hawaii, defendant OSOVALE ATAPUAI, a.k.a. "JoJo" knowingly and intentionally distributed a quantity of methamphetamine, its salts, isomers and salts of isomers, in excess of five grams, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 3

The Grand Jury further charges:

On or about November 14, 2000, in the District of Hawaii, defendant OSOVALE ATAPUAI, a.k.a. "JoJo" knowingly and intentionally distributed a quantity of methamphetamine, its salts, isomers and salts of its isomer in excess of 50 grams, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 4

The Grand Jury further charges:

On or about March 1, 2001, in the District of Hawaii, defendant OSOVALE ATAPUAI, a.k.a. "JoJo" knowingly and intentionally distributed a quantity of methamphetamine, its salts, isomers and salts of its isomers, in excess of five grams, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 5

The Grand Jury further charges:

On or about April 17, 2001, in the District of Hawaii, defendant FALANIKO UTI, a.k.a. "Niko" used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of methamphetamine, its salts, isomers and salts of its isomers, in excess of 50 grams, a Schedule II controlled substance, a felony under 21 U.S.C. § 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 6

The Grand Jury further charges:

On or about April 19, 2001, in the District of Hawaii, defendants FALANIKO UTI, a.k.a. "Niko" and JOSEPH PAJARDO used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of methamphetamine, its salts, isomers and salts of its isomers, in excess of 50 grams, a Schedule II controlled substance, a felony under 21 U.S.C. § 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 7

The Grand Jury further charges:

On or about April 20, 2001, in the District of Hawaii, defendant FALANIKO UTI, a.k.a. "Niko" used and caused to be used a communications facility, that is, a telephone, in causing or facilitating the commission of a conspiracy to distribute a quantity of methamphetamine, its salts, isomers and salts of its isomers, in excess of 50 grams, a Schedule II controlled substance, a felony under 21 U.S.C. § 846.

All in violation of Title 21, United States Code, Section 843(b).

COUNT 8

The Grand jury further charges:

On or about April 23, 2001, in the District of Hawaii, defendant JOSEPH PAJARDO did knowingly and intentionally possess with intent to distribute a quantity of methamphetamine, its salts, isomers and salts of its isomers, in excess of 50 grams, to wit, approximately four pounds of crystal methamphetamine- "ice," a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 9

The Grand Jury further charges:

On or about April 23, 2001, defendants JOSEPH PAJARDO and VANESSA BARUT did knowingly and intentionally aid and abet each other in possessing with intent to distribute a quantity of methamphetamine, its salts, isomers and salts of its isomers, in excess of 50 grams, to wit, approximately two pounds of methamphetamine, its salts, isomers and salts of its isomers, a Schedule II controlled substances.

All in violation of Title 21, United States Code,
Section 841(a)(1) and Title 18, United States Code, Section 2.

DATED: October 10, 2001, at Honolulu, Hawaii.

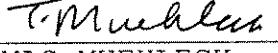
A TRUE BILL

/S/
FOREPERSON, GRAND JURY



ELLIOT ENOKI

United States Attorney



THOMAS MUEHLECK
Assistant U.S. Attorney

United States v. Falaniko Utu, aka "Niko," et al.
CR. NO. 01-00160 SOM

First Superseding Indictment